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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,770	03/30/2004	Kazuhiko Matsumoto	36609	4956

116 7590 10/15/2007
PEARNE & GORDON LLP
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EXAMINER

HAJNIK, DANIEL F

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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10/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/812,770	Applicant(s) MATSUMOTO, KAZUHIKO	
	Examiner Daniel F. Hajnik	Art Unit 2628	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.


 ULKA CHAUHAN
 SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues "Assuming, arguendo, that Wolff's client I/O request can include 'additional information', such information is not copied from an operative server to a destination server, but from the client 3 to a server" (middle of page 3 in filed response).

The examiner respectfully maintains that the rejections are proper because Wolff teaches of both an operative server and designation server (col 4, lines 65-67, "Servers/nodes/clustered filesystem nodes (CFNs) 104A-106A are connected to the storage resource through a private network 112"). In the given diagram in figure 1A, the servers 104A and 106A both contain "Utilization and Rebalancing" (104PA and 106PA) parts for performing the copying process. In this instance, the operative server and designation server can be involved in the switching process (col 8, lines 16-18, "Optimal remapping between the existing servers 104C-106C and the available memory resources 118A-B is accomplished by processes 106PC"). Further, if the combination relies upon the teachings of lyriboz as well as Wolff, then additional information is copied and rendering on these servers can occur (col 14, lines 37-39 of lyriboz, "Other remote viewers accessing the server would then be able to view the annotations associated with the images"). One of ordinary skill in the art would recognize that when lyriboz provides functions such as (col 13, lines 36-39 "viewing application 362 enable the remote viewer to rotate pitch and yaw to selectively view any portion of the spherical image about its viewpoint" and col 5, lines 43-47, "The sequence is transferred to a server 26 which processes the data and makes it available for remote access. Over a local area network (LAN) 30, the data is selectively transferred, based on the commands of a remote human viewer 32"), such viewpoint and rendering commands (additional data) would pass through the servers in the network shown in figure 1A of Wolff which includes servers 104A and 106A. This is because the servers are an essential part in the communication across the network based upon figure 1A. In the combination, a switching process in Wolff would result in the command (additional data) being copied because lyriboz teaches of sending a sequence of rendering data to the server where such rendering needs commands (additional data) in order to know what to render.

Applicant argues "However, 'data remapping' of volume data is executed between a volume data storage unit and image data server computers. Accordingly, the load of the operative image data server computer is reduced, volume data is handled efficiently, and the suspension of data processing is minimized" (bottom of page 3 and top of page 4 in filed response).

The examiner respectfully maintains that the rejections are proper because Wolff teaches the same general concepts of processing efficiency over a network of servers (col 4, lines 57-59, "A network which implements this embodiment of the invention can dynamically rebalance itself to optimize throughput" and col 8, lines 16-18, "Optimal remapping between the existing servers 104C-106C and the available memory resources 118A-B is accomplished by processes 106PC" where optimal remapping would suggest efficiency). It would have been obvious to extend this concept to volume data and a volume data storage unit because of the teachings of lyriboz. lyriboz teaches of (in the abstract, "The data is stored in a volume image data memory 20. Using a sequence generating computer 22 ... The sequence is transferred to a server 26 which processes the data and makes it available for remote access"). In this instance, the concept of remote access and using volume data with a server in lyriboz can be incorporated into the server switching system of Wolff. Wolff would benefit from the interactive controls that lyriboz offers (col 3, lines 44-46) in a networked environment for images viewing..